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22 January 2004

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Your Ref: 30121AUP00

Examiner's report no. 2 on patent application no. 41575/99
by BRITISH TELECOMMUNICATIONS PUBLIC LIMITED COMPANY

Last proposed amendment no. 4

Dear Madam/Sir,

Thank you for the reply of 15 January 2004 to the last report. My report is based on the specification as if amended by the statement of proposed amendments filed with that reply and dated the same. I have considered it and believe that there are lawful grounds of objection to the application as proposed to be amended. These grounds of objection are:

6. I am maintaining objection 3 and 5 for the reasons already given. Your reply indicates that the tariff calculation being "a function of a number of quality parameters" is the new and inventive feature. In figure 13 of WO97/05749 the carrier performance is included in the routing decision. Given that the carrier tariffs are known to the call management system of this citation the PSA would consider the quality of service parameters to be a workshop equivalent to the carrier performance data (see page 26 line 4 to page 33 line 4). Your argument that "letting customer terminals calculate network usage prices themselves based on the current values of quality parameters" is patentably distinct does not appear on the balance of probabilities to be persuasive.

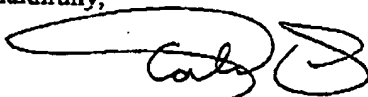
Similar rebuttal arguments are contemplated for the new claims in view of other citations (eg. those cited in the ISR).

7. Claims 1 and 30 are not novel when compared with the following published Australian specification AU-A-80503/98 (TELEFONAKTIEBOLAGET LM ERICSSON) 4 January 1999. The citation discloses the invention defined in the present claims. Although the citation was published later than the priority date of the present claim its information has an earlier priority date than the present claim.

8. Furthermore similar inventive step objections based on new citations ;
US 5751799 (MORI) 12 May 1998
Or US 4756019 (SZYBICKI) 5 July 1988 can be raised against the new claims (especially claim 30). The differences between your claims and the cited art amount to providing at the consumer terminal the information to calculate tariffs based on tariff information including current quality parameters; where such information is clearly already available to certain nodes (eg. the computer of US4756019). Simply put this is merely a policy decision of the network operators not a technical improvement. Any

You have until 23 January 2004 to overcome all my objection(s) otherwise your application will lapse. You will need to pay a monthly fee for any response you file after 12 months from the date of the first report.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Dale E. Siver', enclosed within a large, loopy oval shape.

DALE E. SIVER
Senior Examiner of Patents, Section C4
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